IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15580 of 2006

Between:

Eathamukkala Dasu.

..... PETITIONER

AND

1.The A.P.State Election Commission,
3rd floor, Buddah Bhavan, M.G.Road,
Secunderabad, rep. by its Secretary, and 2 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.15580 of 2006

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in rejecting petitioner's nomination for the post of Sarpanch, Surareddypalem Grampanchayat, Tanguturu Mandal, Prakasam District and the order of

the 3rd respondent in ROC No.1283/2006 dated 22-07-2006 as illegal, arbitrary and consequently set aside the same.

Petitioner filed his nomination to the post of Sarpanch, Surareddipalem Gram Panchayat, for the elections scheduled to be held on 29-07-2006, but the same was rejected by the second respondent. The main ground of attack by the writ petitioner is that his nomination was rejected on the ground that he had not signed the declaration, though, in fact, he had signed the same.

The learned Counsel for the petitioner relied on relevant provisions in Chapter V of the handbook of Returning Officer for Panchayat Raj Elections and would contend that there cannot be rejection on the above said ground.

In view of the facts and circumstances of the case, though the said ground for rejection appears to be a mere technical ground, this Court, being a writ Court, is not inclined to interfere with the same at this stage. However, the petitioner is having an efficacious alternative remedy by way of election petition. Liberty is given to the petitioner to approach

the Election Tribunal, if he is so advised.

With the above observation, the Writ Petition is disposed of. No order as to costs.

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31st July, 2006

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